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United States District Court
for the
Southern District of New York

6/1/21

Joshua Adam Schulte,

Case No.

(to be filled in by Clerk)

Plaintiff

-v-

United States of America,
Wardens of MCC, 10/2018-6/2021,
Officer EDGE,

Defendants.

SEARCHED
INDEXED
FILED
SERIALIZED
RECORDED
CLERK
JUN 11 2021
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
BY CLERK'S OFFICE

COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS (PRISONER COMPLAINT)

I. The Parties to the Complaint

A. The Plaintiff

Name: Joshua Adam Schulte

AKA: Josh

ID: 79471054

Institution: Metropolitan Correctional Center (MCC)

Address: 150 Park Row, New York, New York, 10007

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I.B. The Defendants

Defendant No. 1

Name: United States of America (under the FTCA)

Defendant No. 2

Name: All wardens of the MCC, 10/2018 - 6/2021

Defendant No. 3

Name: Officer Edge (last name) (all other info. unknown)

II. Basis for Jurisdiction

Federal Tort Claims Act for Defendant No. 1

Bivens claim for defendants 2-3

III. Prisoner Status - Pretrial detainee

IV. Statement of Claim

During the period of October 2018 to present, defendants imposed punishment upon plaintiff without due process in violation of the Fifth Amendment. Although plaintiff has no prison violations, the MCC has imposed permanent and indefinite commissary restrictions upon plaintiff. These randomly banned items include mouthwash, vitamin E, a book light, a bowl, a radio, earbuds, composition notebooks, reading glasses, honey, A&D ointment, artificial tears, gas relief tabs, prilosec tabs, tylenol, mirrors, dish soap, pens, albums, mugs, combs, etc. It's so random that "Saison brand" cereal is allowed, but "Cheerios" is banned (sold in same bag). Officer Edge informed plaintiff that she has instituted permanent and indefinite commissary restrictions on plaintiff "because [she] can" and "because [plaintiff] has no right to equal commissary," and as "punishment" against plaintiff.

I. Injuries

Plaintiff punished with restricted commissary despite no violation

II. Relief

Plaintiff requests court compel the MCC to offer plaintiff equal commissary as the rest of the prison.

Plaintiff seeks monetary damages due to permanent and indefinite punishment imposed arbitrarily against plaintiff. Pursuant to the FICA, plaintiff filed with the BOP in 12/4/20 for compensation of \$1 million per restricted commissary. After six months, the BOP never responded, and accordingly plaintiff now seeks this restitution in court along with unspecified damages from defendant Edge, and defendants 2.

III Exhaustion of Administrative Remedies

Plaintiff originally filed grievances in December 2018, and appealed to central office; Warden stated plaintiff could provide list to add items to restricted commissary, but never fulfilled this guarantee. All administrative remedies were denied. Plaintiff additionally filed for administrative remedies in 2019, 2020, and 2021 that were all ignored; Officer Edge made statements to plaintiff after third administrative remedy filed in early 2021. Subject matter of grievances was the same as the claims herein. For copies of the initial administrative remedies, see exhibits of Petition for Writ of Habeas Corpus to Modify Conditions of Confinement, 17-cr-548 (SDNY, PAC), Dkt. 455 (Exhibit 6).

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VIIPrevious lawsuitsNO cases dismissed based on "three strikes rule"

A. Have you filed other lawsuits dealing with the same facts involved in this action? YES (not FICA claims)

1. Parties to previous lawsuit

Joshua Adam Schulte v. Attorney General of the United, et al.

2. Court: SDNY

3. Docket: 19-CV-3346-PAC

4. Judge: P.-I A. Crotty

5. Approximate Date of filing: 4/12/19

6. Case status - Administratively closed

7. Result of case - Judge Crotty administratively closed the case until the criminal case was resolved so the issues would then be moot.

C. Have you filed other lawsuits relating to conditions of confinement?

YES.

1. Parties to previous lawsuit:

Joshua Adam Schulte v. Bureau of Prisons, et al.

2. Court: SDNY

3. Docket: 20-CV-7795-PGG-GWG

4. Judge: Cardephue, Magistrate Gorenstein

5. Approximate date of filing: 5/1/2020

6. Case status - Pending discovery

7. Result of case - Pending discovery

IV Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6/1/2021

Signature of Plaintiff: Josh Schulte

Printed Name of Plaintiff: Josh Schulte

FISN ID #: 79471DS4

FISN address: MCC

150 Park Row
NY, NY 10007

Clerk of Court,

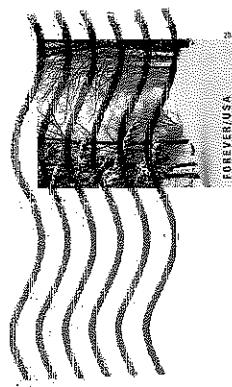
Enclosed herein is a new Complaint for violation of civil rights. I do not possess the Motion for IFP, accompanying affidavit, or the prisoner authorization forms. I ask the court to mail me these forms that I may complete the process for IFP status to file the civil complaint without prepayment of fees.

6/1/21 Thanks

Josh Schulte, pro se
Josh Schulte

P.S. Note that the MCC is currently delaying all mail from the courts from reaching me for 4-6 weeks. There is a separate ongoing civil complaint to address this issue, but until it is resolved please allow 4-6 weeks until I receive any mail from this court.

Additionally, this is a separate and new civil rights case, not a duplicate of the other civil rights case also filed by me today, 6/1/21.



Doris Schulte #747654
WCC
150 Park Row
NY, NY 10007

ATTN:
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RECEIVED
SDNY PRO SE OFFICE

2021 JUN - 8 AM 10:48

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